

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

PERSONALIZED MEDIA
COMMUNICATIONS, LLC,

Plaintiff,

v.

APPLE, INC.

Defendant.

Civil Action No. 2:15-cv-01366-JRG-RSP

(LEAD CASE)

PERSONALIZED MEDIA
COMMUNICATIONS, LLC,

Plaintiff,

v.

TOP VICTORY ELECTRONICS (TAIWAN)
CO. LTD., TPV INT'L (USA), INC.,
ENVISION PERIPHERALS, INC., TOP
VICTORY ELECTRONICS (FUJIAN) CO.
LTD., TPV ELECTRONICS (FUJIAN) CO.
LTD., TPV TECHNOLOGY LTD., HON HAI
PRECISION INDUSTRY (TAIWAN) CO.,
LTD., WISTRON CORP., WISTRON
INFOCOMM TECHNOLOGY (TEXAS)
CORP., WISTRON INFOCOMM
TECHNOLOGY (AMERICA) CORP., and
VIZIO, INC.,

Defendants.

Civil Action No. 2:15-cv-01206-JRG-RSP

(CONSOLIDATED CASE)

ORDER ON UNOPPOSED MOTION TO AMEND THE DOCKET CONTROL ORDER

After reviewing the Unopposed Motion to Modify the Docket Control Order, this Court modifies the following deadlines for Civil Action No. 2:15-cv-01206-JRG-RSP:

Previous Date	New Date	Event
April 3, 2017	Unchanged	*Jury Selection – 9:00 a.m. in Marshall, Texas before Judge Rodney Gilstrap
March 7, 2017	Unchanged	*Pretrial Conference – 9:00 a.m. in Marshall, Texas before Judge Roy Payne
March 6, 2017	Unchanged	*Notify Court of Agreements Reached During Meet and Confer The parties are ordered to meet and confer on any outstanding objections or motions <i>in limine</i> . The parties shall advise the Court of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference.
March 3, 2017	Unchanged	*File Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, and Responses to Motions <i>in Limine</i>
February 24, 2017	Unchanged	*File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Shelly Holmes, at shelly_holmes@txed.uscourts.gov.
February 17, 2017	Unchanged	File Motions <i>in Limine</i> The parties shall limit their motions <i>in limine</i> to issues that if improperly introduced at trial would be so prejudicial that the Court could not alleviate the prejudice by giving appropriate instructions to the jury.
February 17, 2017	Unchanged	Serve Objections to Rebuttal Pretrial Disclosures
February 3, 2017	Unchanged	Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
January 27, 2017	Unchanged	Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof
December 30, 2016	Unchanged	*File Dispositive Motions or Motions to Strike Expert Testimony (including <i>Daubert</i> Motions) No dispositive motion or motion to strike expert testimony (including a <i>Daubert</i> motion) may be filed after this date without leave of the Court.

December 30, 2016	Unchanged	Deadline to Complete Expert Discovery
December 9, 2016	Unchanged	Serve Disclosures for Rebuttal Expert Witnesses
November 18, 2016	Unchanged	Deadline to Complete Fact Discovery and File Motions to Compel Discovery
November 18, 2016	Unchanged	Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof
November 4, 2016	Unchanged	*Deadline to File Letter Briefs Regarding Dispositive Motions
September 26, 2016	Unchanged	Deadline to Complete Mediation The parties are responsible for ensuring that a mediation report is filed no later than 5 days after the conclusion of mediation.
September 19, 2016	Unchanged	Comply with P.R. 3-7 (Opinion of Counsel Defenses)
June 28, 2016	September 1, 2016	<u>PHASE 2:</u> *Claim Construction Hearing - 9:00 a.m. in Marshall, Texas before Judge Roy Payne The claim construction hearing will be consolidated with the hearing currently scheduled for <i>PMC v. Samsung</i> , Civil Action No. 2:15-cv-01754.
June 14, 2016	August 18, 2016	<u>PHASE 2:</u> *Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
June 7, 2016	August 11, 2016	<u>PHASE 2:</u> *Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
May 31, 2016	August 4, 2016	<u>PHASE 2:</u> Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
May 17, 2016	July 21, 2016	<u>PHASE 2:</u> Comply with P.R. 4-5(a) (Opening Claim Construction Brief) and Submit Technical Tutorials (if any) Good cause must be shown to submit technical tutorials after the deadline to comply with P.R. 4-5(a).
July 18, 2016	Unchanged	Deadline to Substantially Complete Document Production and Exchange Privilege Logs Counsel are expected to make good faith efforts to produce all

		required documents as soon as they are available and not wait until the substantial completion deadline.
May 13, 2016	July 11, 2016	Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)
June 28, 2016	Unchanged	<u>PHASE 1:</u> *Claim Construction Hearing – 9:00 a.m. in Marshall, Texas before Judge Roy Payne VIZIO will participate with respect to terms common to VIZIO and Apple.
May 6, 2015	June 16, 2016	<u>PHASE 2:</u> Comply with P.R. 4-3 (Joint Claim Construction Statement for Terms Not Addressed in Phase 1)
June 14, 2016	Unchanged	<u>PHASE 1:</u> *Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
June 7, 2016	Unchanged	<u>PHASE 1:</u> *Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
May 31, 2016	Unchanged	<u>PHASE 1:</u> Comply with P.R. 4-5(b) (Responsive Claim Construction Brief) Defendants are permitted to file a Responsive Claim Construction brief in each case. Apple’s brief shall be governed by the page limits set forth in P.R. 4-5(e). Defendants in Civil Action No. 2:15-cv-01206 may file a separate brief limited to overlapping claim terms, which shall be no more than 10 pages.
April 21, 2016	May 26, 2016	<u>PHASE 2:</u> Comply with P.R. 4-2 (Exchange Preliminary Claim Constructions Not Addressed in Phase 1)
May 17, 2016	Unchanged	<u>PHASE 1:</u> Comply with P.R. 4-5(a) (Opening Claim Construction Brief) and Submit Technical Tutorials (if any) Plaintiff is permitted to file a common Opening Claim Construction brief in each case (Civil Action Nos. 2:15-cv-01206 and 2:15-cv-01366), governed by the page limits set forth in P.R. 4-5(e). Good cause must be shown to submit technical tutorials after the deadline to comply with P.R. 4-5(a).
April 8, 2016	May 12, 2016	<u>PHASE 2:</u> Comply with P.R. 4-1 (Exchange Proposed Claim Terms Not Addressed in Phase 1)
May 6, 2016	Unchanged	<u>PHASE 1:</u> Comply with P.R. 4-3 (Joint Claim Construction Statement)

April 26, 2016	Unchanged	File Response to Amended Pleadings
April 21, 2016	Unchanged	<u>PHASE 1</u> : Comply with P.R. 4-2 (Exchange Preliminary Claim Constructions Common to Apple Case) Plaintiff and Defendants in Civil Action No. 2:15-cv-1206 may only exchange preliminary claim construction for those terms appearing in their P.R. 4-1 disclosures.
April 12, 2016	Unchanged	*File Amended Pleadings It is not necessary to seek leave of Court to amend pleadings prior to this deadline unless the amendment seeks to assert additional patents.
April 8, 2016	Unchanged	<u>PHASE 1</u> : Comply with P.R. 4-1 (Exchange Proposed Claim Terms Common to Apple Case) Plaintiff and Defendants in Civil Action No. 2:15-cv-1206 may only exchange those terms that have already appeared on P.R. 4-1 disclosures circulated in Civil Action No. 2:15-cv-1366.

(*) indicates a deadline that cannot be changed without showing good cause. Good cause is not shown merely by indicating that the parties agree that the deadline should be changed.

SIGNED this 8th day of April, 2016.


 ROY S. PAYNE
 UNITED STATES MAGISTRATE JUDGE